

REMARKS

Claims 1-34 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claim(s) 1-20, drawn to an aminoquinoxaline compound;

Group II, claim(s) 21-24, drawn to polymers derived from the compound of Group I;

Group III, claim(s) 25-27, drawn to a film;

Group IV, claim(s) 28-29 and 33-34, drawn to devices comprising said compound of Group I; and

Group V, claim(s) 30-32, drawn to a p- or n-type semiconductor.

For the purpose of examination of the present application, Applicants elect, with traverse, Group II directed to Claims 21-24. Traversal is based upon the fact that there exists no undue administrative burden for the Examiner to search and consider all claims in their entirety. Further, the Examiner has failed to explain why Groups I-V do not relate to a general inventive concept under PCT Rule 13.1. The Examiner simply states that each group has a different technical structure and requires a different search. However, the facts do not support this assertion, but rather reveal that all claims share the same or corresponding special technical feature, which is the aminoquinoxaline structure of claims in Group I. For instance, Group I (claims 1-20) relates to compounds per se, Group II (claims 21-24) relates to a polymerized version of a compound of Group I, Group III (claims 25-27) relates to a film prepared with a compound of Group I, Group IV (claims 28, 29, 33 and 34) relates to electro chromic and organic electroluminescent devices using a compound of Group I and Group V (claims 30-32) relates to semiconductors and solar cells using a compound of Group I.

While it is true that these groups involve different structures, this cannot detract from the fact that they all share the feature of a compound of Group I. There is also no indication that this shared feature fails to make a contribution over the prior art. Thus, all claims share unity of invention. This requirement to elect is therefore improper and traversed.

The Examiner has also required a further election in the present application in the case Applicant elects Group II as follows:

- (5) Formula (18a) in claim 21;
- (6) Formula (18b) in claim 22;
- (7) Formula (18c) in claim 23; and
- (8) Formula (18d) in claim 24.

For the purpose of examination of the present application, Applicants elect (5) species of formula (18a) of claim 21, with traverse. As a specific example of such a species, Applicants elect the polymer of Example 6. Claim 21 is readable on this elected species. It is Applicants' understanding that upon indication of allowable subject matter for the elected species, the search must be expanded to encompass the non-elected species, with the intent of finding all claims of Group II ultimately allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie, Registration No. 42,874, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

Application No.: 10/585,757


Docket No.: 0171-1289PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated:

JUL 17 2009

Respectfully submitted,

By  #42874
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant